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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

David Allen, a married man,

Plaintiff,

VS.

Quest Online, LLC, an Arizona Limited Liability Company, et. Al. ,

Defendant.

No. CV-11-138-PHX-GMS

## ORDER

Pending before the Court are: Plaintiff's Motion to Amend the Complaint (Doc. 176), and (2) Plaintiff's Motion For Reconsideration (Doc. 186). For the reasons stated below, Plaintiff's Motion to Amend is granted. Plaintiff's Motion for Reconsideration is denied. In light of the Court permitting Mr. Allen to withdraw his self-designation as a public figure as amended from his earlier complaint, the Court will revise the scheduling order as further set forth below.

Plaintiff's Motion to Amend is granted. Although not much has been added to the trade libel and civil conspiracy claims, proposed counts four and five, sufficient pleadings have been made to defeat a motion to dismiss at this stage of the litigation. To the extent that Plaintiff adds a count for fraudulent misrepresentation, the claim is barely pleaded with sufficient particularity as is required by the rule. Fed. R. Civ. P. 9(b) ("[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud.") It

1 will, therefore, not be dismissed as failing to state a claim. Therefore, Plaintiff's Motion to  
2 Amend is granted. Plaintiff will file an amended complaint in the form of that proposed.  
3 The deadlines for disclosing experts and opinions, together with responses and rebuttals will  
4 be extended as follows.

5 1. The party with the burden of proof on an issue shall provide full and complete  
6 expert disclosures as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil  
7 Procedure no later than **April 6, 2012**.

8 2. Responding party shall provide full and complete expert disclosures as required  
9 by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than **May 11, 2012**.

10 3. Rebuttal expert disclosures, if any, shall be made no later than **June 1, 2012**.  
11 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

12 No other deadline shall be changed.

13 The Court has reviewed Plaintiff's Motion for Reconsideration. Motions for  
14 reconsideration are disfavored. Nor should such motions ask the Court to "rethink what the  
15 court has already thought through—rightly or wrongly." *See United States v. Rezzonico*, 32  
16 F.Supp.2d 1112, 1116 (D. Ariz. 1998) (quoting *Above the Belt, Inc. v. Mel Bohannon*  
17 *Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). That is all that Plaintiff's Motion for  
18 Reconsideration does. It is, therefore, denied.

19 **IT IS THEREFORE ORDERED:**

20 1. Plaintiff's Motion to Amend (Doc. 176) is **granted** and Plaintiff is directed to  
21 immediately file his proposed Amended Complaint.

22 2. Plaintiff's Motion for Reconsideration (Doc. 186) is **denied**.

23 3. The following discovery deadlines are extended as follows:

24 a. The party with the burden of proof on an issue shall provide full and  
25 complete expert disclosures as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil  
26 Procedure no later than **April 6, 2012**.

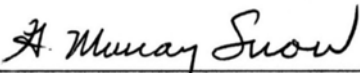
27 b. Responding party shall provide full and complete expert disclosures as  
28 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than **May**

1 **11, 2012.**

2 c. Rebuttal expert disclosures, if any, shall be made no later than **June 1, 2012.**  
3 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

4 d. All other deadlines in the Case Management Order will remain the same.

5 DATED this 16th day of February, 2012.

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9 G. Murray Snow  
10 United States District Judge  
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